



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA-R07-OAR-2018-0536; FRL-9983-66-Region 7]

Air Plan Approval; Iowa; Approval of the State Implementation Plan and the Operating Permits Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Iowa State Implementation Plan (SIP), and the Operating Permits Program to clarify submission requirements for construction and operating permit applications. This action also includes minor grammatical corrections. EPA reviewed these revisions and determined that they will not impact air quality and will ensure consistency between the state and federally approved rules.

DATES: This final rule is effective on **[insert date 30 days after date of publication in the Federal Register]**.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2018-0536. All documents in the docket are listed on the <https://www.regulations.gov> web site. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Stephanie Doolan, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7719, or by email at doolan.stephanie@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" refer to EPA. This section provides additional information by addressing the following:

- I. What is Being Addressed in this Document?
- II. Have the Requirements for Approval of a SIP Submission and Operating Permits Program Been Met?
- III. EPA's Response to Comments.
- IV. What Action is EPA Taking?
- V. Incorporation by Reference.
- VI. Statutory and Executive Order Reviews.

I. What is Being Addressed in this Document?

This final action approves a revision from the state of Iowa to revise the Iowa SIP and Operating Permits Program. EPA published in the **Federal Register** the proposed approval of the State's submission on July 26, 2018, at 83 FR 35451. The revisions to the SIP are to clarify the types of mailing services that may be used for submitting construction permit applications to include the U.S. Postal Service, private parcel

delivery services, and hand delivery. Construction permit applications are not required to be submitted by certified mail. The revisions also eliminate the requirement for construction permit applications for projects that will not emit greenhouse gases to submit the current three-page form.

The revisions to the operating permits program clarifies the types of mailing services that may be used for submitting operating permit applications to include the U.S. Postal Service, private parcel delivery services, and hand delivery. Operating permit applications are not required to be submitted by certified mail. This revision to the operating permits program is being made to require only one copy of the operating permit application instead of two.

This action also includes minor grammatical corrections to the SIP for construction permit rules and minor grammatical corrections to the operating permits program rules.

II. Have the Requirements for Approval of the SIP Revisions and the Operating Permits Program Been Met?

The state submittal met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, these revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations. These revisions are also consistent

with applicable EPA requirements of Title V of the CAA and 40 CFR part 70. The submission was sent to EPA on January 4, 2018, and received January 9, 2018.

III. EPA's Response to Comments

The public comment period for EPA's proposed rule opened July 26, 2018, the date of its publication in the **Federal Register**, and closed on August 27, 2018. During this period, EPA received five comments which are available in the docket; two in support of the proposed rule revisions, and three comments that were outside of the scope of the proposed rule. Therefore, EPA will not provide a specific response to the comments.

IV. What Action is EPA Taking?

This final action approves revisions to the Iowa SIP and the Operating Permits Program. The revisions clarify the types of mailing services that may be used for submitting construction and operating permit applications, and clarifies that applications are not required to be submitted by certified mail. The revisions also eliminate the requirement for construction permit applications or projects that will not emit greenhouse gases (GHG) to submit the current separate three-page GHG form. In addition, a revision to the operating permit program is being made to require only one copy of the permit application instead of two. Finally, this action includes minor grammatical corrections.

V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of a revision to Iowa's Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to

¹ 62 FR 27968 (May 22, 1997).

approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take

effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[insert date 60 days after date of publication in the Federal Register]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control,

Intergovernmental relations, Incorporation by reference,
Reporting and recordkeeping requirements.

40 CFR Part 70

Environmental protection, Administrative practice and procedure,
Air pollution control, Intergovernmental relations, Operating
permits, Reporting and recordkeeping requirements.

Dated: _____

September 25, 2018.

Edward H. Chu,
Acting Regional Administrator,
Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR parts 52 and 70 as set forth below:

Part 52 -- APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart Q-Iowa

2. Amend §52.820(c) by revising the entry "567-22.1" to read as follows:

§52.820 Identification of plan.

* * * * *

(c) * * *

EPA-Approved Iowa Regulations

Iowa citation	Title	State effective date	EPA approval date	Explanation
Iowa Department of Natural Resources Environmental Protection Commission [567]				
* * * * *				
Chapter 22 - Controlling Pollution				
567-22.1	Permits Required for New or Existing Stationary Sources	12/13/17	[Insert date of publication in the Federal Register], [Insert Federal Register citation]	Electronic submittal referred to in 22.1(3) is not SIP approved.
* * * * *				

* * * * *

PART 70 -- STATE OPERATING PERMIT PROGRAMS

3. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

4. Amend appendix A to part 70 by adding paragraph (s) under the heading "Iowa" to read as follows:

**Appendix A to Part 70—Approval Status of State and Local
Operating Permits Programs**

* * * * *

Iowa

* * * * *

(s) The Iowa Department of Natural Resources submitted for program approval revisions to rule 567-22.105. Electronic submittal referred to in 22.105 is not approved in the operating permits program. The state effective date is December 13, 2017. This revision is effective [**insert date 60 days after date of publication in the Federal Register**].

* * * * *

[FR Doc. 2018-21285 Filed: 9/28/2018 8:45 am; Publication Date: 10/1/2018]